

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

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In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

}
}
} MM Docket No. 87-268; FCC 96-317
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INTERNATIONAL BROADCASTING NETWORK'S COMMENTS

I. Introduction

International Broadcasting Network (IBN) hereby submits its comments in response to the Commission's Sixth Further Notice of Proposed Rule Making. Comments and reply comments were filed by IBN at earlier stages of this proceeding. The earlier comments raised very substantial issues which have not been adequately addressed by the Commission. Accordingly, they are attached hereto and made a part hereof for all purposes. For the sake of brevity, and in order to avoid unnecessary repetition, we are limiting our present remarks to several new matters which are of fundamental importance in this proceeding.

II. False Claims Are Being Made

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The National Association of Broadcasters (NAB) is falsely claiming that "[t]he ATSC

proposed standard has been endorsed by the entire broadcast industry...." NAB is also claiming that "[t]he long Advisory Committee process that developed the ATSC standard was completely open...." These and a number of other claims being made by NAB on its web page and elsewhere are blatantly false. IBN and hundreds of other broadcasters have not endorsed the ATSC standard, and many, including IBN, are unalterably opposed to it. Likewise, the claim that the ATSC process was completely open is false. The process was, in fact, dominated by foreign equipment manufacturers and others with a large financial stake in the outcome. Low power television broadcasters were among those excluded from participation. The result of the ATSC process was an inferior and obsolete standard that, according to its proponents, cannot accommodate the nation's almost 2,000 low power television stations. That fact alone should be enough to disqualify it from consideration. There is a simple reason the proponents of the ATSC standard are demanding its hasty adoption. Neither the standard nor the means being employed to force its adoption can withstand scrutiny.

III. Questionable Means May Have Been Employed

Some who are demanding quick approval of the ATSC standard and expedited assignment of channels for digital transmissions may have used questionable methods to achieve their purposes. It is well known that certain industry associations and companies regulated by the

Commission have made large political contributions. It was recently reported, for example, that Walt Disney Co., the parent of ABC, contributed more than half a million dollars in soft money to the Democratic National Committee. A number of other media organizations which are subject to the Commission's regulatory powers are also among the largest contributors for political causes. It is understandable, but unfortunate, that large numbers of Americans are losing faith in the federal government. The Commission must protect its independence and its integrity, and it must not allow there to be even an appearance of impropriety. If the present digital proposals are adopted, companies that have engaged in these practices will emerge as big winners in a high-stakes game to dominate television broadcasting on a grand scale. That must not be allowed to happen.

IV. Adoption of the Present Proposals Will Have Devastating Consequences

If the Commission were to decide to adopt the digital television proposals in their current form, there would be an unreasonably adverse impact on the public, on broadcasters and on the national economy. This is described in more detail in IBN's earlier comments. The Commission has recognized that hundreds of low power television stations would be displaced. That would be a great national tragedy. The licensees of the stations forced off the air would face bankruptcy and, in many cases, the loss of their life's work as well as their hopes and dreams for the future. The millions of viewers who depend on those stations and are very loyal to them would be

abandoned and left without service. The communities in which those stations are the sole providers of television programming would suffer the loss of local service. The American system of universal, free, over-the-air television, which has long been the envy of the world, would exist no more. And the betrayal of trust that the nation would suffer would not be easily healed.

V. A Few Examples of the Impact

Hundreds of examples of the devastating impact which would result from adoption of the current digital proposals could be cited. We will cite only a few. Livingston, a small but growing community in East Texas, has been served for many years by two television stations. Both of them are low power stations. Both are providing exemplary service and are indispensable to the community. One is licensed to IBN, and the other to Polk County Broadcasting Company. Under the proposed digital plan, IBN's station would be displaced because it operates on channel 66, a channel to be taken away from television. The other station, operating on channel 5, would be displaced by the assignment of that frequency to a Conroe station owned by a home shopping network and used for the sale of that firm's merchandise. The Livingston station would not be the only station taken off the air by that particular home shopping service. At least four other low power stations would likewise be displaced to facilitate the merchandising operation of the Conroe station. To briefly cite another example, the proposed digital channel assignments would

take both the stations serving Huntsville, Texas, off the air. Like Livingston, Huntsville would be left without any local television service. That cannot be in the public interest. It must not be allowed to happen.

VI. The Digital Television Proposals Must Be Rejected Or Modified

The digital television proposals, as they currently stand, are fundamentally flawed. They are contrary to the public interest, and they must not be adopted. If they are adopted, they will prove to be an unmitigated disaster. If digital television is to be realized, there must be substantial changes in both the ATSC standard and the manner in which implementation is to occur. Any modified or future plan for digital television should be required to meet the following minimal tests:

1. The plan must be voluntary, rather than mandatory, for consumers and broadcasters alike.
2. It must accommodate all existing television stations, including the nation's approximately 2,000 low power television stations and more than 1,500 full power television stations, on a fair and equitable basis.
3. It must preserve universal, free, over-the-air television for all Americans.
4. It must not adversely impact the national economy.

These are matters of immense importance, and it would be folly to ignore them.

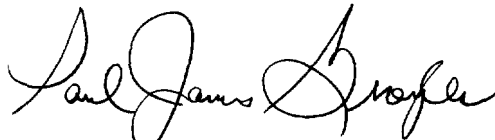
VII. Conclusion

For the reasons stated herein, and for the additional reasons set forth in the comments attached hereto, IBN respectfully urges that the Commission carefully consider the devastating impact that compulsory conversion from the existing NTSC television system to digital television would have, and that the Commission reject the current digital television proposals as being contrary to the public interest and inconsistent with the preservation of universal, free, over-the-air television. Any modified plan or future plan for digital television should be required to meet the four basic tests enumerated in the preceding paragraph.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

A handwritten signature in black ink, appearing to read "Paul James Broyles". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul James Broyles

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November 21, 1996

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of	}	
	}	
Advanced Television Systems	}	MM Docket No. 87-268; FCC 96-207
and Their Impact Upon the	}	
Existing Television Broadcast	}	
Service	}	

INTERNATIONAL BROADCASTING NETWORK'S COMMENTS

I. Introduction

International Broadcasting Network (IBN) hereby submits its comments in response to the Commission's Fifth Further Notice of Proposed Rule Making. Comments and reply comments were submitted by IBN at an earlier stage of this proceeding. The views IBN earlier expressed are still strongly held, and we trust the Commission will give careful consideration to those viewpoints and will appropriately address them in due course. The present comments relate principally to paragraph 53 of the Fifth Further Notice and other matters of very great importance.

II. Low Power Television Is Indispensable and Must Be Preserved

Over the years since the Commission introduced low power television with great fanfare and promise, hundreds of entities and individuals have labored unceasingly to serve their communities. No group of broadcasters has done more to serve the public interest than low power television broadcasters. All across the nation, these stations have firmly established their position and are indispensable to the communities they serve. It is imperative that these stations be preserved. It would be unconscionable to allow them to disappear or to be unfairly placed at a disadvantage to their competitors. IBN, along with the hundreds of other low power television licensees, has maintained its trust in the Commission to act fairly, to place the public interest above all other considerations and to resist the demands of the special interests who may be seeking to gain advantage at the expense of others.

III. Important Issues Have Not Been Adequately Explored

Insofar as IBN is aware, little or no attention has been given to a number of important issues. These issues include public health concerns. Many television stations, and particularly those that are situated in urban areas, may be unable to transmit digital signals from their existing sites because the combined electromagnetic radiation from the digital and NTSC signals may be excessive and pose unacceptable health risks. Likewise, the enormous impact that mandatory conversion to digital television would have upon consumers, broadcasters and the national economy has not been adequately studied. The social consequences arising from the mandatory nature of the proposed conversion, the obsolescence of existing equipment and the impact upon those who may not be sufficiently affluent to replace their televisions, VCRs and related equipment has not been fully evaluated. Furthermore, the inevitable loss of free over-the-air television to many viewers has not been thoroughly considered. These issues are of immense importance, and it is essential that there be comprehensive studies conducted by independent experts before any decision is made to mandate conversion to digital television.

IV. Reasonable Alternatives Exist

Although the rationale in support of digital television seems to change from time to time, it would appear that the provision of high definition television (HDTV) to consumers is still the ultimate goal of the proposed conversion. The Commission is undoubtedly aware, however, that virtual HDTV has been available to consumers for several years. A number of manufacturers are now marketing virtual HDTV equipment in the form of scan converters, line doublers and line quadruplers. Some of these products yield picture quality comparable to 35 millimeter film and resolution far in excess of that which has been proposed by the Advisory Committee on Advanced Television Service. In view of the unprecedented costs and enormous risks which mandatory conversion to digital television would necessarily entail, it would seem that digital processing at the point of reception would be far preferable to digitizing transmissions. Consumers wishing to view film-quality television already have the means of doing that. No change by broadcasters is necessary, and governmental intrusion into the choices made by consumers may be avoided. If the Commission will let market forces operate unimpeded, and allow the citizens of our nation the freedom to make their own choices, everyone will benefit. Any attempt to force broadcasters and the public to convert to digital television would be folly of the highest magnitude.

V. The Adverse Impact May Be Mitigated

The adverse impact of a conversion to digital television may be mitigated to a substantial degree by making the conversion voluntary and protecting all existing television stations,

including the nation's 1,903 low power television stations, from displacement and interference. Any voluntary conversion should afford low power television broadcasters the same opportunity to convert that full power television stations are given. Any such conversion could be phased in, with those stations located in the largest markets and having the largest number of television households within their Grade B contours converting first. Digital channels could be staggered to increase their number and avoid interference to other stations. Alternatively, the digital bandwidth could be decreased to less than six megahertz. The essential features of any scheme for voluntary conversion should be that coercion is avoided for broadcasters and consumers alike and that all existing stations, whether full power or low power, are fully protected from displacement and interference.

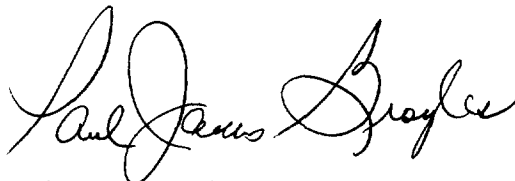
VI. Conclusion

For the reasons stated above, and for the reasons stated in IBN's earlier comments and reply comments, IBN respectfully urges that the Commission carefully consider the devastating impact that compulsory conversion from the existing NTSC television system to digital television would have upon consumers, broadcasters and the national economy, and that the Commission reject the present proposals for mandatory conversion to digital television as being contrary to the public interest and inconsistent with the preservation of universal, free, over-the-air television. If the Commission desires to implement a voluntary plan of conversion, all existing full power and low power television stations should be protected from displacement and interference.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

A handwritten signature in black ink, reading "Paul James Broyles". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

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August 12, 1996

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

Broadcast Services; Advanced Television	}	
Systems: Fourth Further Notice of Proposed	}	MM Docket No. 87-268; FCC 95-315
Rule Making and Third Notice of Inquiry	}	

INTERNATIONAL BROADCASTING NETWORK'S REPLY COMMENTS

I. Introduction

International Broadcasting Network (IBN), having earlier filed comments in this proceeding and having reviewed published summaries of comments filed by others, hereby submits its reply comments.

II. Review of IBN's Earlier Comments

IBN's earlier comments, which were received by the Commission on October 18, 1995, addressed three principal issues: (1) the impact that compulsory conversion to ATV would have upon the public, (2) the impact that mandatory conversion would have upon broadcasters and (3) the impact that such conversion would have upon the national economy. IBN concluded that the ATV proposals were inappropriate and should be rejected as being contrary to the public interest and destructive of the American system of universal, free, over-the-air television. Additionally, IBN cautioned that no proposal that excludes, deals unfairly with or endangers the nation's 1,648 low power television stations should be adopted.

III. Fallacies and Misconceptions Relied Upon by Proponents of ATV

Proponents of ATV have sought to convince the Commission that adoption of their proposals would have great benefits. These proponents apparently believe that the public wants ATV and is willing to pay for it. Likewise, they believe broadcasters want ATV and can bear the huge capital investments and operational expenses that would necessarily be incurred. They believe the national economy can withstand the high costs of mandatory conversion to ATV. They believe manufacturers will price their ATV receivers, recorders, cameras and related equipment and supplies reasonably despite the law of supply and demand and the pricing

distortions that would ordinarily arise from the compulsory nature of the conversion. They believe there are no major environmental or health concerns relating to the substantial increases in electromagnetic radiation that would accompany the conversion. They believe the Grand Alliance technical standards are satisfactory and that there are no suitable alternatives. They believe compatibility with the NTSC analog system is unnecessary or unimportant. They believe the concerns of the computer industry and the movie producers are ill-founded. They believe it is appropriate to ignore the nation's 1,648 low power television stations and to stretch the term "secondary status" far beyond its original intent. Whether the proponents of ATV actually believe each of these propositions or simply want to make their case to further their own interests, they are, in IBN's considered opinion, relying upon fallacious assumptions and misconceptions.

IV. The Public Interest Must Prevail Over All Other Considerations

The issues in this proceeding are of immense importance. The preservation of America's system of universal, free, over-the-air television is at stake. Rural Americans and urban Americans alike must continue to have access to the flow of information that is provided by the nation's NTSC television system. The entire NTSC system, including the nation's 1,648 low power television stations as well as the nation's 1,539 full power stations and 4,770 translator stations, is a vital necessity and must not be sacrificed. The establishment of ATV as a replacement for the existing analog system would deprive large numbers of Americans of any affordable television service. For reasons of economics, ATV may never penetrate areas of low population density or areas that are economically depressed. Concentration of station ownership and control in the hands of a few large commercial enterprises having the financial muscle to dominate the television industry would be an inevitable result of adopting the present ATV proposals, and the diversity of viewpoint that is essential to the preservation of our democracy would be lost. The public interest demands that not a single station, whether full power or low power, be forced off the air in order to accommodate ATV. The public interest in preserving the NTSC television service clearly outweighs any conceivable advantage that any proponent of ATV might hope to gain. In the final analysis, the public interest must take precedence over every other consideration.

V. Conclusion

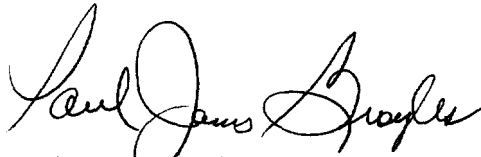
For the reasons stated above, and for the reasons stated in IBN's earlier comments, IBN respectfully urges that the Commission carefully consider the devastating impact that compulsory conversion from the existing NTSC television system to ATV would have upon consumers, broadcasters and the national economy, and that the Commission reject the present proposals for

mandatory conversion to ATV as being contrary to the public interest and inconsistent with the preservation of universal, free, over-the-air television.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

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January 11, 1996

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

Broadcast Services; Advanced Television	}	
Systems: Fourth Further Notice of Proposed	}	MM Docket No. 87-268; FCC 95-315
Rule Making and Third Notice of Inquiry	}	

INTERNATIONAL BROADCASTING NETWORK'S COMMENTS

I. Introduction

International Broadcasting Network (IBN), a nonprofit corporation which owns and operates nine low power television stations and is currently building a tenth, hereby submits its comments in the above-referenced proceeding.

II. Impact Upon the Public

Implementation of the present proposals concerning Advanced Television (ATV) would have an unreasonably adverse impact upon the public. American consumers have invested billions of dollars in NTSC television receivers, VCRs and related equipment and supplies. Government-mandated obsolescence of existing equipment would serve no legitimate purpose, would be contrary to the public interest and would inevitably arouse massive public opposition. Large numbers of consumers would find it financially burdensome to discard their existing equipment and invest in new ATV receivers. Minorities, elderly persons, those who are economically disadvantaged, middle-class Americans, residents of rural areas and residents of inner cities would be most severely harmed by the loss of NTSC service. Even the wealthiest consumers would view federally-imposed conversion to ATV as unwarranted governmental intrusion restricting their freedom of choice.

III. Impact Upon Broadcasters

Mandatory conversion to ATV would have an unreasonably adverse impact upon broadcasters. The impact would be devastating to broadcasters not having the necessary financial resources to convert to ATV. Small entities, minority-controlled entities, nonprofit entities, owners of independent stations, owners of stations located in rural areas, owners of stations in

economically-depressed areas and owners of low power television stations would face the loss of their stations. Television broadcasting would become the exclusive domain of a few large entities having the necessary financial muscle to control the industry. Diversity of ownership and viewpoint would be lost along with the hopes and dreams of hundreds of broadcasters who are presently serving the public interest. Such a fate would be unconscionable.

IV. Impact Upon the Economy

Compulsory conversion to ATV would be highly detrimental to our national economy. Many billions of dollars would be required to successfully implement the conversion, and much of that would go to manufacturers located in Japan, Korea, Malaysia, Singapore, China and other foreign nations. The trade deficit would substantially worsen. The strength of the dollar against foreign currencies would plummet. The massive spending required for ATV would drain resources that might otherwise be spent on American-made products and services. Unemployment would rise, and every area of the national economy would suffer. Financing would become much harder to obtain, and interest rates would rise. Many stations would be forced into bankruptcy. Personal savings would decrease, and consumer debt would reach unacceptable levels. The economic implications are enormous, and they are quite unfavorable. The cost of implementing the ATV proposals as they now stand would be much too burdensome for consumers and broadcasters alike. Our nation cannot afford to jump blindly into the destruction of its existing NTSC television service and impose by force of law a different technology posing serious threats to the national economy.

V. A Better Way

Mandatory conversion to ATV is not in the public interest and will cause great harm to consumers, broadcasters and the national economy. Such a sweeping change in the mass media is unprecedented and poses unacceptable risks and known dangers. Never before has a broadcasting service been targeted for extinction as the NTSC television service now is. If the Commission feels compelled to promote ATV, that can be done in a reasonable and prudent manner without destroying the existing NTSC television system. Just as FM radio developed alongside AM radio, ATV should be allowed to develop alongside the existing NTSC service. The Commission did not force AM radio stations to convert to FM. Rather, the Commission set the standards for the new FM service and allowed market forces to operate. It has been 55 years since the Commission granted the first construction permits for FM radio stations, and the service has thrived. AM radio and FM radio have coexisted for more than half a century, and both services continue to serve the public interest in an exemplary manner. In the same way, the

Commission should establish the standards for ATV and allow market forces to operate. There is no necessity for the federal government to impose ATV and deprive consumers and broadcasters of a choice. In a free market economy, market forces should be allowed to operate. Above all, a system that is working and serving the public well should not be abandoned. The NTSC television system, including the nation's 1,648 low power television stations as well as the nation's 1,539 full power stations and 4,770 translator stations, has much to offer, and it should not be forced out of existence by legislative or regulatory fiat.

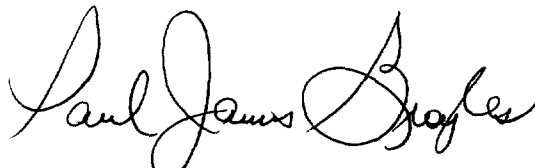
VI. Conclusion

IBN respectfully submits that the ATV proposals as they currently stand are inappropriate and, if implemented, will have disastrous consequences for consumers, broadcasters and the nation's economy. The proposals for mandatory imposition of ATV should be rejected as being contrary to the public interest and destructive of the American system of universal, free, over-the-air television. If ATV is considered feasible and in the public interest, standards should be established and it should be allowed to develop alongside, but not in replacement of, the existing NTSC television system in the same manner that FM radio was allowed to develop alongside AM radio. Moreover, no proposal that excludes, deals unfairly with or endangers the nation's 1,648 low power television stations should be adopted.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

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October 17, 1995